The Fifth Estate

RADIO TELEVISION CABLE SATELLITE

Broadcasting Mar 10

ANNOUNCING SOMETHING NEW ON TELEVISION IN NEW YORK, LOS ANGELES, CHICAGO, DALLAS, WASHINGTON AND HOUSTON.

With our acquisition of Metromedia Television, with stations in 6 of the nation's 10 top markets, we here at Fox Television Stations intend to be an innovative force in the future of television broadcasting. We welcome WNYW, New York; KTTV, Los Angeles; WFLD, Chicago; KDAF, Dallas-Fort Worth; WTTG, Washington D.C.; and KRIV, Houston.

55th Year 1986

Scramble over scrambling

Vol. 110 No. 10

Broadcasting Mar 10

Advancing on the NCTA convention
Scrambled voices get Hill hearing
The deal is off between MPAA and NCTA

EMOTIONAL ISSUE ... Highly charged atmosphere at House hearing on scrambling of broadcast and cable signals. PAGE 35.

MINORITY VIEW ... Committee of dissident broadcasters forms to fight must-carry compromise. Survey of cable camp finds approval of new pact. PAGE 37.

DEAL APPROVAL ... Boards of Turner Broadcasting and MGM/UA agree to merger as Turner makes final pitches for investor financing. PAGE 39.

HOLLYWOOD DISPUTE ... Producers and networks disagreeing on license fees for fall shows. PAGE 41.

FAIRNESS COMPLAINT ... RTNDA leads list of petitioners claiming that fairness doctrine is at odds with First Amendment. PAGE 42.

NCTA 86 ... National Cable Television Association convention convenes next week in Dallas with must-carry, compulsory license, PPV and scrambling topping the agenda. PAGE 46. A complete listing of firms exhibiting their products begins on PAGE 54.

YEAR FIVE ... Dan Rather celebrates his first anniversary anchoring *The CBS Evening News* with the program's 200th consecutive weekly ratings win over NBC and ABC. PAGE 72.

OPENING COURTS ... New York judges leading drive to get cameras into New York state's trial courts. PAGE 73.

CBS LITIGATION ... Network is being sued by German national for *Evening News* piece on international arms dealing. PAGE 73.

FINAL WORD ... Supreme Court refuses to review appeals court decision in Christine Craft case. PAGE 74.

SMOOTH SAILING ... Alfred Sikes gets warm reception at Senate Commerce Committee confirmation hearing for nomination to top National Telecommunications and Information Administration post. PAGE 75.

STV SPLIT ... Commenters divided at FCC on reclassification of subscription television service. PAGE 78.

TECHNICAL TALK ... This year's NAB convention will boast the most extensive look at engineering concerns in the association's history. PAGE 87.

BROADCAST TABOO ... Hartford UHF independent airs theatricals with profanity and frontal nudity intact. PAGE 90.

RADAR REPORT ... ABC takes the sky from spots in the fall RADAR survey. PAGE 91.

CUTTING BACK ... Some record companies curb use of independent promoters in wake of payola story on NBC News. PAGE 92.

ALL THE WAY TO THE BANK ... Station broker Frank Kell gave up comedy for the business of trading broadcast stations. But has got timing. PAGE 111.

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...ncrease[d] networks in...[by] of adult men ... of adult women and 8... of teenagers. The audience estimates in the survey are ... averages attending over a 48-week period from November 1983 to October 1984.

Some record companies cutting back on use of independent promoters

Moves come in wake of NBC News report on alleged payola in industry

Radio stations may be seeing less of independent record promoters in the coming weeks, due to action taken by a growing number of record labels in suspending use of independent promotion.

The move follows a Feb. 28 *NBC Nightly News* report alleging widespread payola involving independent record promoters as well as a purported link to organized crime. Ruling Jan. 31 that it [illegible] since days later, a New York federal grand jury subpoenaed the Recording Industry Association of America (RIAA) for documents concerning the role of independent record promotion firms.

The list of record companies that are now maintaining some distance from independent promotion services includes Capitol Industries-EMI Inc., RCA Ariola, CBS Records, Warner Communications Inc. and MCA Records.

Bhaskar Menon, president and chief executive officer of Capitol, acknowledged that a decision to suspend the use of independent promotion was prompted by the NBC News story. "Although we have no evidence to support the NBC allegations," said Menon, "the necessary and responsible corporate conduct must be to assure ourselves that our company does not contribute unwittingly to any problem that may exist." Menon said the company has retained the law firm of Latham & Watkins to review the Capitol, EMI America and Manhattan labels' long-standing antipayola program.

Both RCA Ariola and CBS Records have separately said that they have no knowledge of illegal activities of independent promotion firms, but are concerned about the negative perception the recent allegations would cause. RCA Ariola said it is "immediately suspending" use of independent promotion firms "until the various investigations presently under way are completed and the facts known." CBS said it will "curtail substantially" its use of independent promoters during the investigations and will "re-evaluate" its position as they proceed. Warner said it will "immediately cease" the use of independent promoters, and MCA is reported to have said it will no longer employ some of its independent promoters.

At the time it was subpoenaed for documents on independent promotion practices, the RIAA's board of directors, composed of major record company executives, issued a statement saying it had "no knowledge that any firm or individual with whom our [member] companies do business is engaged in any illegal activity, contrary to reports in recent televised network broadcasts." The RIAA statement added, "If law enforcement agencies were to inform us that such individuals or firms are engaged in any illegal activities, we'll take immediate and decisive corrective action." The RIAA board said the record industry has been "indiscriminately malign[ed] by insidious innuendo" that "unfairly taint[s] the innocent."

Reports of payola in the record and radio industries tend to surface from time to time. In 1984, the House Subcommittee on Oversight and Investigations launched a preliminary inquiry into then allegations of improper activities in the record industry

NBC edges CBS thanks to 'Cosby' and Klugman

CBS's strong rally at the end of the February sweeps period was not enough to beat NBC for the week of Feb. 24-March 2. NBC scored a 17.4 average rating and a 28 average share in Nielsen's National Television Index, to nose out CBS, which scored a 17.3/27. ABC trailed with a 13.5/21.

NBC said *The Cosby Show* (29.5/50) got another record-breaking (the best ratings for a network series) [illegible] special, a repeat of the Jan. 15, 1972 episode of *All in the Family*, which scored a 40/68. It was the seventh time this season that *Cosby* has set a new record. NBC was banking on the show to deliver a good lead-in for sampling of its new series *You Again*, starring Jack Klugman and the strategy paid off handsomely. *You Again* ranked second for the week, scoring a 24.6/37 from 8:30 to 9 on Thursday. NBC set another record for combined ratings of its Thursday schedule with a 26.6/41.

NBC also tied another new show *Valerie*, to its Saturday comedy block, placing it before *Golden Girls*, which earned fifth during the week with a 24.6/41. *Valerie* ranked 14th with a 19.8/33. Both regular time period debuts for Monday, March 4, *You Again* and *Valerie*

[illegible]

scored a 19.8/30 and 21.1/31, respectively, at 8 and 8:30.

NBC also received a 20.2/31 for a second run of the theatrical *48 Hours*, which ranked 53rd for the week. Its first broadcast during the November sweeps run Nov. 3, the movie scored a 20.8/30.

CBS had strong performances on Monday with the second part of *Blood and Orchids* (25.6/38), which ranked fourth on Tuesday with the *36th Annual Grammy Awards* (20.3/32) and on Sunday with the [illegible] *Chicago*, the *CBS Sunday Night Movie* (21.7/34).

ABC's *Dynasty II: The Colbys* had its season-to-date high with a 17.6/26 to rank 24th and placed second in the 9 to 10 Thursday night time period. *20/20*, following that show, was close to its own season-to-date high with a 16.9/29. It also placed second in its time period behind *Hill Street Blues*.

All 17 axes were down 2% for the week from 64.4 to 63.3. The three-network ratings were down 3%, from last year's 49.6 to 48.2, and shares were down 1% from last year's 76.9 to 76.3.

Repeats began to appear on the schedule in larger numbers during the week, with 11 of the week's 63 programs [illegible]

[illegible]

WRGY(FM) Bath, Me. and WIBX(AM) WNYZ(FM) Utica, N.Y. Filed Feb. 26.

■ New TV, Baytown, Tex. (CP): Seeks assignment of license from Villa Reeve Ltd. to Prax Inc. for $105,585.85. Seller is owned by Tim Villasana and Harry Reeves, who are also appl. s for new TV in Arlington, Tex. Buyer is principally owned by Eldred Thomas, who also owns KLTJ-TV Longview, Tex. Filed Feb. 28.

■ KVOU(AM) KYUF(FM) Uvalde, Tex.: AM: 1400 khz, 1 kw D, 250 w N; FM: 95.5 mhz, 3 kw; HAAT: 125 ft.: Seeks transfer of control of Uvalde Broadcasting Inc. from Mary A. Harpole (50.1% before, none after) to Willis Jay Harpole (49.8% before, 99.9% after) for no consideration. Seller is mother of buyer. Filed Feb. 25.

■ KKQV(FM) Wichita Falls, Tex. (101.3 mhz; 100 kw; HAAT: 440 ft.): Seeks assignment of license from Sunshine Radio Co. to RadioSunGroup of Texas Inc. for $3,050,000, comprising $250,000 cash and receivables and the rest over 10 years. Seller is subsidiary of American General Media Co., which owns three AMs and one FM. Buyer is subsidiary of Sunshine Inc., Nashville, Tenn., group that owns AMs and four FMs, headed by Ernest Woods, president. Filed Feb. 19.

■ WBLF-FM Webster, W.Va.: 100.9 mhz; 3 kw; HAAT: 190.9 ft.: Seeks assignment of license from Broadcast Properties, a Limited Partnership, to WENN Inc. for $400,000 cash. Seller is principally owned by Jon Slocum, who has no other broadcast interests. Buyer is owned by Carl Cecere and Nan Attinasanno, who also own WBRK(AM) WFYG(FM) Marietta, Ohio. Filed Feb. 21.

■ WNEL(AM) Green Bay, Wis.: 1440 khz; 5 kw D, 250 w N: Seeks assignment of license from Communicorp Properties Inc. to WatCom Wisconsin Ltd. Partnership for approximately $1.8 million, comprising $500,000 cash and remainder note; some adjustments. Seller is owned by Paul Igoe, Kelly and Richard C. Voight, who also own stations in KATE(AM) KCPI(FM), Albert Lea, Minn.; KFGO(AM) Fargo, N.D., and WIBQ(AM) KEYY(FM), Tallmadge, Ohio. Buyer is owned by Donald Wuthrich, Wade Scott Sower and George Affonsky. It owns WHEB(AM) FM Portsmouth, N.H., and is also buying WKAT-AM-FM Kenosha, Wis. (Broadcasting Feb. 27). Filed Feb. 22.

New Stations

Applications

TV's

■ Atlantic City, N.J.: Haughton Television Systems seeks ch. 67; ERP vis. 5,000, aur. 500 kw; HAAT: 455 ft.; ant. height above ground: 357 ft. Address: 3000 Les Palmes, Grand Prairie, Tex. 75051. Principal is owned by Jay Jones, who has no other broadcast interests. Filed Feb. 20.

■ Toledo, Ohio: Paul T. Lambert Broadcast Ltd. seeks ch. 40; ERP vis. 1,000, aur. 200 kw; HAAT: 479.8 ft.; ant. height above ground: 351 ft. Address: 2809 Coltsville Rd., Baltimore, Md. 21400. Principal is owned by Paul Lambert, who has no other broadcast interests. Filed Feb. 20.

■ Bluefield, Va.: Paul Lambert Ltd. seeks ch. 30; ERP vis. 1,000, aur. 100 kw; HAAT: 510 ft.; ant. height above ground: 134.5 ft. Address: 2809 Coltsville Rd., Baltimore, Md. 21400. Principal is owned by Paul Lambert, who has no other broadcast interests. Filed Feb. 20.

■ Charlottesville, Va.: Christopher Croft seeks ch. 64; ERP vis. 5,000, aur. 500 kw; HAAT: 623 ft.; ant. height above ground: 250 ft. Address: P.O. Box 222, Buffalo, N.Y. 14215. Principal has no other broadcast interests. Filed Feb. 20.

Facilities Changes

Applications

AM's

■ WIKB (1580 khz) Siesta Key, Fla.: Seeks CP to increase day power to 2.5 kw and make changes in ant. sys. App. March 3.

■ WELM (1420 khz) Elmira, N.Y.: Seeks CP to increase day power to 5 kw. App. March 3.

■ WJJE (1380 khz) Hope Valley, R.I.: Seeks CP to increase power to 1.8 kw. App. Feb. 25.

■ WIMX (970 khz) Florence, S.C.: Seeks CP to increase night power to 3.5 kw. Change TL and make changes in ant. sys. App. Feb. 26.

■ KQQQ (1150 khz) Pullman, Wash.: Seeks CP to add night service with 500 w. Change freq. to 690 khz, install DA-N, and make changes in ant. sys. App. March 3.

■ KKIB (1540 khz) Shreveport, La.: Seeks CP to make changes in ant. sys. App. Feb. 25.

■ WANM (1070 khz) Tallahassee, Fla.: Seeks CP to make changes in ant. sys. App. Feb. 25.

■ WMAX (1490 khz) Kentwood, Mich.: Seeks MP to change frequency to 1,600 khz. App. March 3.

■ WKBZ (900 khz) Muskegon, Mich.: Seeks CP to change specified antenna values. App. March 3.

FM's

■ WETD-FM (99.5 mhz) Sandusky, Ohio: Seeks CP to change ERP to 50 kw, change HAAT to 492 ft. and change TL. App. Feb. 26.

■ WWDB-FM (101.1 mhz) Philadelphia: Seeks modification of CP to change ERP to 50 kw and change HAAT to 410 ft. App. Feb. 26.

■ WCXL (92.1 mhz) North Myrtle Beach, S.C.: Seeks CP to change TL, change ERP to 50 kw and change HAAT to 410 ft. App. March 3.

■ WRCH-FM (99.1 mhz) Farmington, Conn.: Seeks CP to change TL, change ERP to 50 kw and change HAAT to 410 ft. App. March 3.

■ WTCS (92.7 mhz) Fairmont, W.Va.: Seeks CP to change TL, change ERP to 50 kw and change HAAT to 410 ft. App. Feb. 26.

■ WHIN (93.9 mhz) Gallatin, Tenn.: Seeks CP to change TL, change ERP to 100 kw and change HAAT to 2,130 ft. App. March 3.

■ KXOR (107.5 mhz) Bossier City, La.: Seeks CP to change HAAT to 300 ft. App. Feb. 25.

■ WKLM (94.1 mhz) Ludington, Mich.: Seeks CP to change TL, change ERP to 50 kw and change HAAT to 410 ft. App. Feb. 26.

■ KRKA (96.3 mhz) Los Alamos, N.M.: Seeks CP to change TL, change ERP to 50 kw and change HAAT to 2,954 ft. App. Feb. 26.

■ WLRO-FM (97.5 mhz) Lafayette, La.: Seeks CP to change TL, change ERP to 50 kw and change HAAT to 410 ft. App. March 3.

■ WDVX (89.1 mhz) Clinton, Tenn.: Seeks CP to change

Summary of broadcasting

Service	On Air	CP's	Total*

staff auth. sys. App. March 3.

■ KEYF-FM (99.3 mhz) Winchester, Tenn.: Seeks mod. of CP to move SL to Tyler, Tex. App. March 3.

TV

■ WMKC (ch. 54) Muskegon, Mich.: Seeks MP to change ERP to vis. 4,895 kw, aur. 440 kw. App. March 3.

Actions

AM's

■ KBQN (985 khz) Pago Pago, American Samoa: Granted app. to change TL. Action Feb. 19.

■ KIOI (1310 khz) Barstow, Calif.: Granted app. to reduce night power to 5.8 w and make changes in ant. sys. Action Feb. 19.

■ KLBS (1300 khz) Los Banos, Calif.: Granted app. to add night service with 5 kw, change TL, and make changes in ant. sys. Action Feb. 24.

■ WNER (1250 khz) Oak Hill, Fla.: Granted app. to increase nighttime efficiency. Action Feb. 18.

■ WRYG (1490 khz) Sandwich, Ill.: Granted app. to operate transmitter by remote control. Action Feb. 10.

■ WITA (1580 khz) Urbana, Ill.: Granted app. to change SL to 522 Prospect St., Champaign, Ill. Action Feb. 21.

■ WIOA (1290 khz) New Albany, Ind.: Granted app. to modify DA pattern. Action Feb. 13.

■ KBUA (1440 khz) Galt, Iowa: Granted app. to change TL. Action Feb. 24.

■ WEEN (1165 khz) Fennimore, Wis.: Granted app. to specify transmission line DA pattern. Action Feb. 13.

■ WHBC (1480 khz) Canton, Ohio: Granted app. to change ant. coordinates, add DA-N and DA-D and change TL. Action Feb. 18.

■ KAMI (930 khz) Grande Prairie, Tex.: Granted app. to increase night power to 1.2 kw and change TL. Action Feb. 18.

■ WOLA (1290 khz) Barranquitas, P.R.: Granted app. to make changes in ant. sys. Action Feb. 18.

■ WDAR (1350 khz) Darlington, S.C.: Granted app. to make changes in ant. sys. Action Feb. 18.

■ WCHV (1260 khz) Charlottesville, Va.: Granted app. to operate transmitter by remote control. Action Feb. 10.

FM's

■ WCRJ-FM (107.1 mhz) Jacksonville, Fla.: Granted app. to change TL and change HAAT to 994 ft. Action Feb. 24.

■ WJAX-FM (95.1 mhz) Jacksonville, Fla.: Granted app. to change TL, change HAAT to 984 ft., and make changes in ant. sys. Action Feb. 24.

■ WQIK-FM (99.1 mhz) Jacksonville, Fla.: Granted app. to change TL, change HAAT to 984 ft., and make changes in ant. sys. Action Feb. 24.

■ WCVU (94.3 mhz) Naples, Fla.: Granted app. to change TL, change HAAT to 1,031 ft., and make changes in ant. sys. Action Feb. 19.

■ KWNK (102.7 mhz) Liberal, Kans.: Granted app. to change TL and change HAAT to 512 ft. Action Feb. 14.

■ WQRB-FM (103.9 mhz) Jamestown, Tenn.: Granted app. to change ERP to 3.6 kw. Action Feb. 20.

TV's

■ WNDS (ch. 26) Merrimack, N.H.: Granted app. to change ERP to vis. 5,000 kw, aur. 500 kw, change HAAT to 948.9 ft., replace ant., and change TL. Action Feb. 14.

■ WLCI (ch. 44) Harrington, Del.: Granted app. to change ERP to vis. 1,995 kw, aur. 199.5 kw, change HAAT to 1,228 ft., and change TL. Action Feb. 14.

In Contest

■ San Diego (Cabrillo, Juanita Heights and FM proceeding): Granted petition filed by Tropic Beach Broadcasting and enlarged issues against Kalkeskopie Communications Commerce Inc. to determine misrepresentation of facts called for in app., to determine real parties in interest and relationship of each to financing, ownership and operation of